

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)  
Chief, Criminal Division

JEFFREY SHIH (CABN 296945)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
jeffrey.shih@usdoj.gov; 415-436-7168

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |  |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, | ) | CASE NO. 3:17-CR-180 RS                        |
|                           | ) |  |
| Plaintiff,                | ) | STIPULATION AND                                |
|                           | ) | <del>PROPOSED</del> ORDER CONTINUING DATES FOR |
| v.                        | ) | TRIAL AND STATUS CONFERENCE, AND               |
|                           | ) | EXCLUDING TIME UNDER THE SPEEDY TRIAL          |
| APRIL MYRES, and          | ) | ACT  |
| ANTOINE FOWLER,           | ) |  |
|                           | ) |  |
| Defendants.               | ) |  |

The parties, with the consent of the defendants, hereby stipulate as follows:

1. Jury selection and trial in this case are currently set for September 17, 2018, at 9:00 a.m.

A government conflict has arisen with that jury selection and trial date. Therefore, the parties hereby stipulate that jury selection and trial be moved to November 5, 2018, subject to the Court's acceptance and availability.

2. The United States has provided and continues to provide the defendants with discovery materials, and the defendants require additional time to review the discovery and to prepare effectively. Based on the foregoing:

a. The parties hereby stipulate that the status conference, currently set for February 27, 2018, at 2:30 p.m., be moved to May 1, 2018, subject to the Court's acceptance and availability.

b. Additionally, the parties stipulate that there is good cause to exclude time under the Speedy Trial Act as the ends of justice from such an exclusion outweigh the best interest of the public and the defendants in a speedy trial. Specifically, such an exclusion provides the respective defense counsel reasonable time for effective preparation, taking into account due diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv). The parties thus jointly and respectfully request that the Court issue the proposed order excluding time under the Speedy Trial Act.

IT IS SO STIPULATED.

DATED: February 5, 2018

/s/ with permission  
TONY TAMBURELLO  
Counsel for Defendant Myres

DATED: February 5, 2018

/s/ with permission  
KENNETH HOWARD WINE  
Counsel for Defendant Fowler

ALEX G. TSE  
Acting United States Attorney

DATED: February 5, 2018


/s/ Jeffrey Shih  
JEFFREY SHIH  
Assistant United States Attorney

**~~PROPOSED~~ ORDER CONTINUING DATES FOR TRIAL AND STATUS CONFERENCE,  
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT**

Based on the stipulation of the parties, the consent of the defendants, and on good cause shown, the Court orders that (1) the jury selection and trial in this case is hereby moved to November 5, 2018, (2) the next status conference is hereby moved to May 1, 2018, and (3) the time period from the date of this Order, through May 1, 2018, is hereby excluded under the Speedy Trial Act as the ends of justice from such an exclusion outweigh the best interest of the public and the defendant in a speedy trial because such an exclusion provides defense counsel reasonable time for effective preparation, taking into account due diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: 2/5, 2018

  
HON. RICHARD SEEBORG  
United States District Judge